

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARVIN MOSBY,

Petitioner,

v.

RENEE BAKER, et al.,

Respondents.

Case No. 3:14-cv-00171-MMD-VPC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the petition. Petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.

Due to the lack of an *in forma pauperis* application or filing fee, the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus action.


It therefore is ordered that this action is dismissed without prejudice to the filing of a new petition in a new action.

1 It is further ordered that the Clerk of the Court shall send petitioner two (2) copies  
2 of an *in forma pauperis* application form for a prisoner, one (1) copy of the instructions  
3 for the same, two (2) copies of a blank 28 U.S.C. § 2254 habeas petition form, and one  
4 (1) copy of instructions for the same.

5 It is further ordered that petitioner may file a new petition in a new action, but he  
6 may not file further documents in this action.

7 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

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9 DATED THIS 14<sup>th</sup> day of April 2014.

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13 MIRANDA M. DU  
14 UNITED STATES DISTRICT JUDGE  
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